

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MARTIN J. WALSH Secretary of Labor,)	
United States Department of Labor,)	
)	
Plaintiff,)	
)	
v.)	No. 1:21-cv-01024-JPH-MJD
)	
SURECLEAN CHIMNEY SERVICE, INC.)	
d/b/a SURE CLEAN CHIMNEY AND)	
MASONRY,)	
SHANE C. CONSTRUCTION,)	
SHANE C. ELLISION an individual,)	
)	
Defendants.)	

ORDER

On April 26, 2021, the United States Secretary of Labor filed a complaint against SureClean Chimney Service, Inc. and Shane C. Ellison, alleging violations of the Fair Labor Standards Act. Dkt. 1. On May 10, 2021, the parties filed a proposed consent judgment providing that the "Court shall retain jurisdiction for purposes of enforcing compliance with the terms of this final judgment pursuant to Federal Rule of Civil Procedure 54." See *dk. 9* at 2. The proposed consent judgment does not explain why the Court should approve it, and the parties did not file a motion for judicial approval. See *id.*


The parties are free to enter into a settlement agreement and to dismiss a case without judicial approval. But the consent judgment seeks the exercise of federal power by having the Court retain jurisdiction to enforce compliance. Under such circumstance, "a district court must determine whether a proposed decree is lawful, fair, reasonable, and adequate." *E.E.O.C. v. Hiram Walker & Sons, Inc.*, 768

F.2d 884, 889 (7th Cir. 1985); *see Loc. No. 93, Int'l Ass'n of Firefighters, AFL-CIO C.L.C. v. City of Cleveland*, 478 U.S. 501, 525 (1986) ("[A] federal court is more than a recorder of contracts from whom parties can purchase injunctions") (citation omitted).

The parties therefore **SHALL FILE** a brief in support of the proposed consent judgment explaining why it is lawful, fair, reasonable, and adequate considering the factors set forth *Hiram Walker & Sons, Inc.*, 768 F.3d at 889, by **July 9, 2021**.

SO ORDERED.

Date: 6/9/2021


James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

Barbara Mariela Villalobos
U.S. DEPARTMENT OF LABOR (Chicago)
villalobos.barbara@dol.gov

SureClean Chimney Service, Inc.
6117 N. Oakland Ave.
Indianapolis, IN 46220

Shane C. Ellison
6117 N. Oakland Ave.
Indianapolis, IN 46220

Thomas L. Landwerlen
244 N. College Ave.
Indianapolis, IN 46202
tlandwerlen@oblawindy.com